IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.35383 of 2008
1. NIRMAL KUMAR son of Late Jagdish Prasad
2. VIJAY KUMAR son of Nirmal Kumar
3. SANJAY KUMAR son of Nirmal Kumar
All are resident of village- Raniganj,
P.S. Imamganj, District- Gaya
Versus
STATE OF BIHAR
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2 **19.11.2008** Heard learned counsel for the petitioners and the State.

Petitioners are accused in a case registered for the offences under sections 392, 323, 341/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that the present complaint has been filed for ulterior purpose since several years back in the year 2004 the wife of the petitioner no.2 had lodged a first information report as contained in Annexure-5 to the supplementary affidavit filed today with respect to the offence committed under sections 147, 448, 342, 323, 504 of the Indian Penal Code. In the said case they have been charge sheeted and facing trial and in order to pressurize the petitioner to give up that case they have started filing cases against them. One of such case is the complaint filed by the father of the present complainant, as contained in Annexure-2 to the petition, which later on for want of evidence was dropped and thereafter the

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present case has been filed.

Learned Addl. P.P. appearing for the State submits that although allegations have been made in the complaint, however it appear from Annexure-5 that the wife of the petitioner no.2 had lodged a first information report in the year 2004 which was registered as Imamganj P.S. Case No. 36 of 2004.

Having considered the submissions, as noticed above, and in the facts and circumstances of the case, it is directed that in the event of arrest or surrender within a period of four weeks from today, the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Sherghati in connection with Complaint Case No. 247 of 2008 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

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Manish/- **(Shailesh Kumar Sinha,J.)**